IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4882 OF 2005

Dilip Mahadev Govari ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.V.V.Purwant i/b Mr.R.D.Suryawanshi for the Applicant
Mr.R.Y.Mirza,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 5,2005

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. On the last date when this Application was argued it was contended by the Advocate for the Applicant that investigation has been substantially completed. The learned A.P.P. on instructions stated that test identification parade was required to be held and for that purpose custody of the Applicant was necessary.

2. Today the learned A.P.P. has placed on record Panchnama drawn in the test identification parade in a sealed envelope. The said Panchnama shows that two witnesses for whom the test identification parade was held could not identify the Applicant. The learned A.P.P. stated that the complainant and his brother are from the state of Punjab and they are not co-operating for holding the test identification parade and even after sending letters they have not appeared.

3. The Applicant has been arrested on 17th June 2005. The

age of the Applicant is stated to be only 20 years. There is no recovery made at the instance of the Applicant. Moreover, the two eye witnesses have not identified the applicant in the test identification parade. In the light of these facts, the Applicant who is stated to be only 20 years old need not be detained in custody and is entitled to be enlarged on bail.

4. Hence I pass the following order :

i) The Applicant shall be enlarged on bail in connection with C.R.No.I-185/2005 registered at Manikpur Police Station, Thane subject to furnishing a personal bond of Rs.10,000/- (Rupees ten thousand only) with one or two local sureties in the like amount.

is) Bail is granted subject to the condition that the Applicant will attend the concerned Police Station twice a week and as and when called upon to do so by the Investigating Officer till the filing of the charge sheet. Thereafter, the Applicant will continue to attend the concerned Police Station once in a week till the conclusion of trial.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE